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Identical letters dated 24 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 24 January 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning cooperation with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) (see annex).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

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Annex to the identical letters dated 24 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On the occasion of the submission by Mr. Blix and Mr. ElBaradei of their report to the Security Council under paragraph 5 of Security Council resolution 1441 (2002), we should like to put before you the following facts.

I. The question of so-called "outstanding issues"

1. Iraq has performed in full all its obligations under section C of resolution 687 (1991) and has agreed to the monitoring regime established pursuant to resolution 715 (1991), and this regime has been operating actively since 1994. From 1992 up to the present, the United Nations Special Commission and IAEA have not discovered any proscribed weapon or activity anywhere in Iraq. The former Special Commission and IAEA documented their completion of their basic tasks in the field of disarmament in their reports to the Security Council. In April 1998, the Special Commission's report to the Security Council contained in document S/1997/301 stated:

> "The accumulated effect of the work that has been accomplished over six years since the ceasefire went into effect, between Iraq and the Coalition, is such that not much is unknown about Iraq's retained proscribed weapons capabilities."

IAEA in its report to the Security Council contained in document S/1998/694, stated:

> "As previously recorded, there are no indications of Iraq having retained any physical capability for the indigenous production of weapon-usable nuclear material in amounts of any practical significance, nor any indication Iraq has acquired or produced weapon-usable nuclear material other than the nuclear material verified by IAEA and removed from Iraq in accordance with paragraph 13 of resolution 687 (1991)."

2. Although for seven and a half years (from April 1991 to October 1998) Iraq complied with the obligations required of it under section C of resolution 687 (1991), the Security Council did not apply paragraph 22 of that resolution. In the course of 40 reviews of the unjust sanctions imposed on Iraq during that extremely long period, the Council never considered easing or lifting the sanctions on the basis of Iraq's compliance with the commitments set forth in the other sections of resolution 687 (1991). The Council never took a proportionate and fair view of what had been achieved, and it accorded Iraq arbitrary and harsh treatment unparalleled in previous and current international intercourse.

3. After the former Executive Chairman of the Special Commission, Mr. Richard Butler, took office, he tried to inflate and exaggerate the so-called "outstanding disarmament issues", contrary to the conclusions arrived at by his predecessor, Mr. Rolf Ekeus, in his report referred to above. Mr. Butler alleged that there were large gaps in the implementation of the disarmament requirements in the chemical,

biological and missile fields and that he could therefore not inform the Security Council that the disarmament phase was completed.

4. In order to find a way out of the impasse created by Mr. Butler through his total partiality in favour of the United States' political position at the expense of scientific facts, in August 1998 the Secretary-General of the United Nations proposed that the Security Council should undertake a comprehensive review of how far Iraq had complied and the extent of the progress made in a number of fields, with the aim of exploring the means necessary for making headway towards the ultimate goal of this exercise, namely verification of proscribed-weapon disarmament in accordance with Security Council resolutions on Iraq, with a view to the implementation of the commitment made in those resolutions to lift the sanctions regime. The Secretary-General proposed that the review should include a direct dialogue between the Government of Iraq and the Security Council on controversial issues.

5. After the Secretary-General submitted his proposal to the Security Council, on 5 October 1998, for a decision on a comprehensive review, the United States and the United Kingdom completely obstructed the achievement of this goal, withdrew the inspectors and, with the United Kingdom participating, launched widespread aggression against Iraq during the period from 16 to 20 December 1998.

6. Following this aggression, the Security Council entrusted a panel, under the chairmanship of the then Ambassador Amorim, to assess the situation with regard to disarmament in Iraq. Ambassador Amorim set forth in his report what the former Special Commission had considered to be the remaining questions in the disarmament phase. At the same time, he determined that the bulk of Iraq's proscribed weapon programmes had been eliminated and referred to a possible point of impasse in the further investigation of these issues under the current procedures which might correspond to an apparent diminished return in recent years. He emphasized that "some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities". At the end of his report, Ambassador Amorim stated that the panel agreed on the possibility of setting up an integrated system, i.e. a reinforced ongoing monitoring and verification system within the legal framework existing in resolutions 687 (1991), 707 (1991), 715 (1991) and 1051 (1996), as well as the memorandum of understanding dated 23 February 1998, and that such a system should be capable of dealing with remaining disarmament issues.

7. On the basis of that report, Security Council resolution 1284 (1999) was adopted, paragraph 1 of which established UNMOVIC. Paragraph 2 of the same resolution established a reinforced monitoring regime to implement the plan adopted under Security Council resolution 715 (1991) and to deal with outstanding disarmament issues in accordance with Ambassador Amorim's recommendation.

8. Following its establishment, UNMOVIC adopted this method of including outstanding disarmament issues in the reinforced monitoring system and stated in paragraph 13 of its report to the Security Council contained in document S/2000/292:

> "The responsibilities of UNMOVIC, in connection with paragraphs 8 and 9 of resolution 687 (1991), are generally referred to, in resolution 1284 (1999), as 'disarmament tasks', while the responsibilities under paragraph 10 of

resolution 687 (1991) relate to implementing the plan for ongoing monitoring and verification. The report of the panel on disarmament and current and future ongoing monitoring and verification issues (S/1999/356, annex I, para. 61) recommended that those two tasks be merged and that a reinforced system of ongoing monitoring and verification capable of addressing, through integration, remaining unresolved disarmament issues be carried out. The organization and management of UNMOVIC must be tailored to implement this system — preparing it, directing it and report on it."

9. All the facts set forth above confirm that the so-called "outstanding disarmament issues" have no tangible significance and require merging in the ongoing monitoring phase. The truth now is that these issues as a whole are either not outstanding issues at all or that they are no longer such because the materials whose destruction the Special Commission alleged it had not verified are no longer usable or represent a minute proportion of what was verified (1-3 per cent), which falls within the accepted margin of uncertainty in the field of disarmament, or that the search for them has reached the point of diminishing returns.

10. Nevertheless, and in order to facilitate the task of UNMOVIC in learning about and resolving these issues, Iraq, in its full, comprehensive and updated declaration dated 7 December 2002, submitted full details of the status and significance of outstanding issues and the possibility of resolving them, as follows:

1. In the field of missiles:

(a) With regard to indigenous production of motors, including turbines, the details and explanations are set forth on pages 255 to 278 of the [Arabic text of the] declaration;

(b) With regard to imported and indigenously manufactured conventional warheads, the details and explanations are set forth on pages 985 to 1033 [of the Arabic text] of the declaration;

(c) With regard to propellants and oxidizers, the details and explanations are set forth on pages 1167 to 1992 [of the Arabic text], with a large number of supporting documents.

2. In the chemical field, chapter 11 of the chemical declaration contains detailed replies and explanations as follows:

(a) Material balance of R-400 aerial bombs relating to the chemical and biological fields;

(b) Material balance of 155-mm artillery projectiles filled with mustard gas and the efforts made by the Iraqi side to verify the loss of 550 of these;

(c) Glass production equipment stored in freight containers;

(d) With regard to VX, which was referred to in a series of explanatory letters, Iraq did not succeed in producing VX at the level usable for weapons purposes and did not weaponize any projectile with VX. The most recent letter on this subject was the one dated 11 November 1998.

3. **The explanations and supporting documents in the biological field are also mentioned in the biological declaration, as follows:**

(a) The subject of verification of the production and filling of 25 warheads. The details are given in documents 65, 66, 67, 68 and 70 in the weaponization chapter of the declaration (chapter 8), in addition to what is stated in the annex entitled "Status Report";

(b) The subject of destruction of warheads. The details are given in chapter 8 and in supporting documents 16, 188, 189, 190 and 192, in addition to what is stated on the matter in the annex entitled "Status Report";

(c) The subject of destruction of R-400 aerial bombs. The declaration states that these bombs totalled 157 and were all destroyed. In the report there is a document from the memoirs of the officer who destroyed them, documenting his performance of the task. Other details on the matter are given in chapter 8 also, in addition to what is stated in the annex entitled "Status Report";

(d) The subject of biological production. The declaration mentions the question of the subject of production, and the figures mentioned in it are backed by supporting documents, the most recent being the report of the Al-Hakam plant dated 15 January 1991 and other documents indicating production quantities for the years 1988, 1989 and 1990. The former Special Commission's statements on this subject are pure allegations and totally untrue, particularly in so far as relates to the production of anthrax. All the supporting documents show that the anthrax was in a liquid form and that Iraq did not succeed in producing it in dried form. The annex entitled "Status Report" shows how the quantities of biological agents produced ended up and confirms their ineffectiveness in the event of storage for more than two years;

(e) The subject of growth media. All imports of growth media for previous programmes from 1985 up to the end of 1990 have been declared. Chapter 10 of the declaration covers that, with supporting documents in chapter 11 (documents 23 to 63).

4. In order to give an example of what we have explained in the declaration, let us take as a detailed instance, the former Special Commission's allegation that Iraq had not submitted verifiable evidence to account for R-400 aerial bombs, whereas the chemical declaration set forth in verifiable form the details of the production of empty casings of these bombs for the total number of this type. As for how the former Special Commission arrived at several hundred casings of such bombs not being accounted for, that is because the former Special Commission, in a biased manner, counted in the daily output rejected for the period when this quantity was produced in 1990, even though the supporting documents confirm that this quantity was rejected because of unrectifiable defects. This rejected quantity went to the debris-collection site at the foundry of the producing company, and the debris was smelted down. The smelting down process is not normally documented since the items smelted are merely debris. That these casings represent rejections is documented in the quality-control report, which is the basis for verification. In addition, if these casings had been usable for turning into munitions filled with proscribed weaponry, it would have been necessary to pair them with the tail containing the parachute brake and the detonator, which are imported items, with whole documents concerning their importation, their use and the remaining balance.

The chemical inspection team was convinced by what the Iraqi counterpart showed it that these documents settled the question of these rejected casings, but it did not make the necessary verification of the tail. The team promised to do so subsequently but left the matter without follow-up until the time of the inspectors' departure from Iraq on 15 December 1998 in preparation for the United States and British aggression against Iraq.

II. Iraqi cooperation in the performance of its obligations under resolution 1441 (2002)

1. On 27 November 2002 the UNMOVIC and IAEA teams began their activities, which have been intensive and ever wider in scope. By 23 January 2003, for instance, the number of inspectors and support staff present in Iraq had increased to 273. The teams have conducted a total of 440 inspections, of which 365 were carried out at sites subject to ongoing monitoring and 75 at other sites. Throughout the country, from north to south, in all 287 sites have been inspected, including sites belonging to the Military Industrialization Corporation, the Atomic Energy Commission, the Ministries of Defence, Higher Education, Health, Agriculture, Trade and Oil, universities and other academic institutions, the mixed and private sectors, civilian sites and various other private properties, the Presidential Palace where official guests are received (Qasr al-Sujud), private residences and a mosque in Baghdad. The inspectors have used ultra-modern hand-held or vehicle-mounted X-ray scanning devices. They have also taken environmental samples (samples of heavy water, soil, vegetation, river water, air, waste products of the engineering industry and so forth) and made use of aerial imagery and detailed maps created by satellites. During their visits, they have interviewed those in charge of the inspected sites. They have concentrated their efforts on the sites that reports published in September and October 2002 by the British Prime Minister, Mr. Tony Blair, the United States Department of State, the British Foreign Office and the Central Intelligence Agency alleged were engaged in activities related to the production of nuclear, chemical and biological weapons and long-range missiles.

2. Iraq has provided full support to the inspection teams by supplying them, in record time, with the protection requested and by making available to them the means necessary to accomplish their task (accommodation, communication facilities, landing space at Saddam International Airport and Rashid airbase and a field office at Mosul). The Iraqi side has also helped the inspection teams to gain immediate and unannounced access to all sites to be inspected. It has also supplied all the documents, evidence and information available and has facilitated the conduct of interviews. It has cooperated effectively to ensure the success of the inspectors' mission, even though some of the inspectors have committed unacceptable acts that are prejudicial to their mandate and that exceed the authority conferred upon them by the relevant Security Council resolutions. The inspections conducted at all the sites that the United States and Great Britain alleged to be producing weapons of mass destruction, together with the inspections conducted at the other sites, have demonstrated that Iraq was telling the truth when it stated that it had no weapons of mass destruction and was not engaged in any proscribed activity, and they attest to the empty and lying nature of the American and British allegations.

III. Visit to Baghdad by Mr. Blix and Mr. ElBaradei

1. On 19 and 20 January 2003, Mr. Hans Blix and Mr. Mohammed ElBaradei went to Baghdad at the head of two important delegations from UNMOVIC and IAEA in order to hold discussions with the Iraqi side, during which they were to take stock of the current inspection activities and consider ways to strengthen cooperation in carrying out the tasks entrusted to UNMOVIC and IAEA pursuant to Security Council resolutions, which call for respect for the national security of Iraq, i.e., respect for its sovereignty and independence and the vital interests of its people.

2. As a result of their discussions, the two sides adopted the attached statement setting out the points of agreement reached and reflecting a mutual desire to continue to work resolutely towards the speedy and smooth accomplishment of the tasks entrusted to UNMOVIC and IAEA.

IV. Conclusions

The full and complete declaration given by Iraq on 7 December 2002 and the effective and genuine cooperation of Iraqi agencies with the inspection teams since they returned to our country on 27 November 2002 show that Iraq is acting in good faith and is firmly resolved to fulfil its obligations under the Security Council resolutions, despite all the difficulties, arbitrariness and bias involved therein, with the aim of proving that it is not concealing any activity or weapon proscribed by the relevant Security Council resolutions and of refuting the lying and empty allegations and accusations that the United States and Great Britain regularly launch against it for suspect imperialist aims. Attestation of these facts should lead the Security Council to reject the American and British imperialist threats of aggression directed against Iraq and to fulfil the commitments it has made pursuant to its relevant resolutions, namely to lift the iniquitous embargo imposed against our country for 13 years now, to preserve the national security of Iraq by seeing to it that its sovereignty, independence and territorial integrity are respected and to ensure regional security by doing away with weapons of mass destruction in the Middle East and, in particular, by eliminating the arsenal of such weapons that "Israel" possesses and is in the process of developing under the protection and sponsorship of the United States.

(Signed) Naji **Sabri**
Minister for Foreign Affairs

Agreed statement

The meeting between the Iraqi side and UNMOVIC and the IAEA was devoted to stocktaking of the inspections which have taken place and resolving issues that have come up. The following was noted:

1. Access has been obtained to all sites. This will continue. The Iraqi side will encourage persons to accept access also to private sites.

2. There has been helpful assistance in the logistic build-up of the inspection infrastructure, e.g. at the Mosul office. This will continue, e.g. regarding a field office in Basrah.

3. After the find of some empty 122mm chemical munitions at Al Ukhaidhir stores, the Iraqi side has appointed a team to undertake an investigation and comprehensive search to look for similar cases at all locations. One find of four more units was already reported at Al Taji munitions stores. The final results will be reported.

4. A response was given to an UNMOVIC request for a number of documents. Some were handed over and clarifications were given regarding others.

5. The list of persons engaged in the various disciplines will be supplemented in accordance with advice from UNMOVIC and the IAEA.

6. The declaration given on 7 December by Iraq was discussed. Iraq expressed a readiness to respond to questions raised in connection with the declaration and discuss such questions.

7. Persons asked for interviews in private will be encouraged to accept this.

8. UNMOVIC and the IAEA agreed that their helicopters will take an appropriate number of minders on board, as necessary.

9. Iraq will enact national legislation as soon as possible regarding proscribed activities.

10. Iraq agreed to continue technical discussions with the IAEA to clarify issues, regarding aluminum tubes, alleged uranium importation and the use of high explosives, as well as other outstanding issues.

Baghdad, 20 January 2003